

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

RICHARD ROYAL

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Civil No. JFM-09-375

Criminal No. JFM-05-061

MEMORANDUM

Richard Royal has filed this motion under 28 U.S.C. §2255. The motion will be denied.

The issues he raises are entirely without merit, and they need to be addressed only summarily.

1. To the extent that Royal alleges that the evidence was insufficient, he makes no new contentions that were not considered and rejected by the United States Court of Appeals for the Fourth Circuit on direct appeal.

2. Plaintiff asserts that he was not given Ritalin during the course of the trial in order to stabilize his self-control and attentiveness so that he could assist in his defense.

There is no evidence in the record suggesting that he was being prescribed Ritalin at the time of the trial. To the contrary, the Presentence Report reflects that although plaintiff reportedly had been prescribed Ritalin in 1997 and 1998, he further reported to his probation officer, immediately after the trial, that he was not taking Ritalin.

3. Royal further argues that it was obvious that he was incompetent at the time of his trial and that the court should have ordered a competency hearing *sua sponte*. In its opposition to Royal's motion, the Government avers that Government counsel was advised by Royal's counsel prior to trial that there would be no pretrial motions for alleged lack of competency. Royal does not dispute this averment in his reply.

Nothing in Royal's demeanor or actions during the trial alerted the court to any

competency issue, and therefore any action taken by this court to order a competency hearing would have been inappropriate.

A separate order denying Royal's motion is being entered herewith.

DATE: September 4, 2009

/s/

J. Frederick Motz
United States District Judge